

LATINA BROADCASTERS OF DAYTONA BEACH, LLC

February 5, 2016

VIA E-MAIL AND ECFS

Honorable Mignon Clyburn
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268

Dear Commissioner Clyburn:

I know that it is unusual for a television station owner to send a personal letter to a sitting FCC commissioner, but the circumstances under which I write are both uncommon and highly personal.

Your success, and the path that you have taken to achieve that success, is an inspiration to minority women like myself. Not unlike you, I am trying to build a media company from the ground up in order to provide a valuable voice to an underserved community. I understand that my business, my significant investment of time and money in that business, and my dream of serving the Hispanic community with targeted programming are in jeopardy because of an imminent action by the FCC that will essentially erase all that I have worked toward. I truly feel that I have been an innocent bystander in the process that may result in this action, and I urgently need your help.

By way of background, when I was 16 years old, I found myself alone in Los Angeles, having to go to school and support myself. At 18, I earned my GED and obtained an entry level job at Televisa, where I was introduced to the world of television. Over the next ten years, I worked by day and went to school at night, receiving both my bachelors and master's degrees from Pepperdine. Although I have worked my way up in the media industry, I have not forgotten my roots. I routinely hire young adults to work as interns and apprentices and personally train them on weekends. I take great pride in the fact that several of my former interns have gone on to hold meaningful positions at larger stations and networks.

For some time now, it has been a goal of mine to own and operate television stations that offer programming for minority viewers. In 2010, I took the first step toward fulfilling that dream when I formed Latina Broadcasters of Daytona Beach, LLC and purchased WDYB, a Class A-eligible station in Daytona Beach, Florida. When I purchased the station, it was an analog station operating on an out-of-core channel. I immediately invested my personal funds to construct new digital facilities that would allow the station to provide the type of service that the Daytona Beach community deserves. The process, however, has not been easy.

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First, I literally had to learn how to build a television station. Working with engineers, lawyers, consultants, and project managers (all at my own expense), I applied for a construction permit for these new facilities in February 2011, and obtained the construction permit three months later. Less than 18 months later, in October 2012, my new digital facilities were complete, and WDYB was back on the air full time, serving the Central Florida community as an Azteca America affiliate with a mix of locally-originated programming. I immediately applied for my broadcast license for the new facilities, and the day it was granted, filed an application to formally convert the station to Class A (although it already had been operating as a Class A station).

The FCC did not process my Class A license application for nearly fifteen months, and when it did, it denied the license on the basis that during the time that the station was silent while building new in-core, digital facilities, it was not broadcasting a minimum of 18 hours a day. This did not make any sense to me, as numerous other stations had gone silent to construct their digital facilities, so I asked the FCC to reconsider its decision. On October 23, 2014, the FCC agreed to do so and awarded WDYB a Class A license.

Although I had my Class A license, the incentive auction and its potential impact on WDYB loomed in the not-too distant future. When I started the process of building the new, digital in-core facilities in February 2011, I followed the FCC's guidance to file on a low power television form and not worry about filing an application to convert to Class A status until the station was licensed. I had no idea at the time that following the FCC's instructions would place my entire investment in jeopardy. On February 22, 2012, I was one of a small number of broadcasters working diligently to construct in-core facilities. In fact, had we continued our analog broadcasts, WDYB already would have been back on the air full time, but it was important to me to provide the best quality digital signal to my viewers, so I took the additional time and invested the money necessary to do it right. The FCC's subsequent decision to ignore these efforts (and the effect of the FCC's guidance), and instead only to protect stations that had Class A licenses by February 22, 2012, meant that the FCC was not likely to be able to repack WDYB post-auction, and that I would be deprived of the opportunity to make the same kind of business judgment with respect to the auction as other broadcasters—in my case, whether participation in the auction would result in capital that I could invest to better pursue my objective of serving the Hispanic community (for example, through financing new programming alternatives or purchasing other stations), or whether continued operation of WDYB was the better course.

I knew that I had to fight for my station, and so I did, hiring highly recommended lawyers to help the Commission understand the steps that I was taking and the important public service that Latina would provide. As you can imagine, I was delighted when the Media Bureau released a list of protected stations on June 9, 2015 that included WDYB. My dedication had paid off. Two days later, my attorneys confirmed in a meeting with FCC staff that the Media Bureau had, in fact, recommended protecting WDYB. Later that month, when the FCC released its *Second Order on Reconsideration* protecting stations that, like WDYB, had a Class A construction permit granted as of February 22, 2012, I was both relieved and rededicated to my mission. I continued to invest in the station and to look for new opportunities to grow and expand my service to the community. To date, I have invested thirty years of my life's work and

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a substantial amount of my net worth building this station from the ground up, just as you did with *The Coastal Times*.

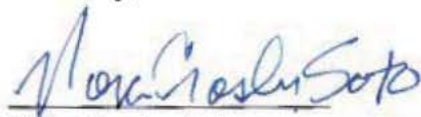
You can imagine my disbelief when I learned a few weeks ago that all of my blood, sweat, and tears might be for naught. I was told that four other Class A stations argued to the FCC that they were just like WDYB, even though they had never filed a Class A application prior to February 22, 2012. I was told that the FCC responded in court that those stations were wrong, and that WDYB was, in fact, different. And I was told that the FCC might now—just weeks after making that representation to the court—be changing its mind. How, I wondered, could the FCC just change its mind? And did the FCC realize how much I have done for the station, even in just the past seven months when I thought the FCC was committed to protecting WDYB?

At your confirmation hearing, you explained how, as a state public service commissioner, you “never lost sight of the fact that at the end of every Commission decision, our customers, consumers and businesses are left to contend with the consequences of our actions.” Those words ring true today. Latina is a real business and I am a real person facing many of the same challenges that you faced as a businesswoman trying to build a successful business that, at the same time, serves a critical public function. I have fought for everything that I have today, and I will do whatever it takes to protect my vision, my investment, and my station.

The merits of protecting WDYB are well documented. But I hope this letter helps you understand the real person and the real business that must contend with the consequences of your actions on the pending *Order on Reconsideration*.

Thank you for your time and consideration.

Sincerely,



Nora Crosby Soto

Manager

Latina Broadcasters of Daytona Beach, LLC